

Application No. 09/931,392
Response "F" dated March 30, 2005
Reply to Office Action mailed November 30, 2004

REMARKS

The Applicants' counsel wishes to thank the Examiner for the opportunity to engage in a telephonic interview with the Examiner on March 29, 2005. During the interview, the Applicants' counsel and the Examiner discussed U.S. Patent No. 5,465,472 to Matoba ("*Matoba '472*") in view of U.S. Patent No. 5,471,716 to Takahashi ("*Takahashi '716*"), and U.S. Patent No. 5,566,428 ("*Takahashi '428*"). Regarding the *Takahashi '716* and *Matoba '472* references, Applicants' counsel and the Examiner discussed the fact that an object of the *Takahashi '716* reference is providing a buckle having a male coupling member and a female coupling member that are freely rotatable relative to each other when in a coupled disposition (See *Takahashi '716*, col. 2, ll. 45-54), and that such an object teaches away from a nonrotatable connection. Regarding the *Takahashi '428* reference, Applicants' counsel and the Examiner discussed the teachings found in column 1, lines 30-51, which teach away from the use of a split neck. During the interview, the Examiner apparently agreed that these references provide compelling evidence of teaching away from the Applicants' claims.

Rejections Under 35 U.S.C. § 103

In the Office Action, claims 24-45 were rejected under 35 U.S.C. § 103 in light of *Matoba '472* in view of *Takahashi '716*.

As discussed with the Examiner, the *Takahashi '716* reference teaches away from the claimed invention and from combining the nonrotatable elements 10 of *Matoba '472* with the joint elements 20 of *Takahashi '716*. As discussed with the Examiner, an object of the *Takahashi '716* reference is:

to provide a buckle wherein, in coupled disposition, a male coupling member and a female coupling member are freely

Application No. 09/931,392
Response "F" dated March 30, 2005
Reply to Office Action mailed November 30, 2004

rotatable relative [to] each other in various directions so that the buckle can fit variant shapes of a wearer body and variable movement of the wearer, so that the wearer feels fit and conformable with the buckle.

Col. 2, ll. 46-54. Thus, the *Takahashi* '716 reference teaches away from the nonrotatable coupling of the claimed invention and from the combination of *Takahashi* '716 with *Matoba* '472. As such, *Takahashi* '716 should be removed as a reference. See *In re Grasselli*, 713 F.2d 731, 743 (Fed. Cir. 1983).

Additionally, the M.P.E.P. teaches that the totality of the prior art must be considered when determining obviousness. See *M.P.E.P.* § 2145 X.D.3. The *Takahashi* '428 reference teaches away from the present claims. In particular, *Takahashi* '428 teaches away from selective disengagement of the neck member by emphasizing in the first column thereof, lines 30-51, that a vertically split head and neck portion is not desired and that it is an object of the invention to provide a different type of coupling therefrom. Specifically, *Takahashi* '428 states that a swivel hook referenced in a previous publication:

has a drawback that since the head and neck portions of the hook member which are vertically split will be forcibly fitted in the attachment hole in the ring member, the neck portion is structurally weak and hence is liable to be damaged or broken during assembling operation, and is poor in durability. If an attempt were made to enlarge or thicken the neck portion for a purpose of reinforcement, such an enlarged neck portion would hinder smooth snap-fit engagement between the vertically split leg of the hook member and the attachment hole in the ring member.

Col. 1, ll. 30-41. Thus, the *Takahashi* '428 reference teaches away from the present claims. In light of this teaching away, the nonobviousness of the present claims is further bolstered by the disclosure found in *Takahashi* '716 and *Matoba* '472 that an object of both inventions is to provide a stronger buckle. See *Takahashi* '716, col. 2, ll. 60-61, and *Matoba* '472, col. 2, ll. 5-11.

Application No. 09/931,392
Response "F" dated March 30, 2005
Reply to Office Action mailed November 30, 2004

Conclusion

In light of the foregoing remarks, the Applicants request removal of the rejection under 35 U.S.C. § 103 to claims 24-45. Reconsideration and allowance of the above-identified claims are now respectfully requested.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

DATED this 30th day of March, 2005.

Respectfully submitted,



Michael M. Ballard
Registration No. 54,978
Attorney for Applicants
Customer No. 022913
Telephone No. (801) 533-9800

DBD:MMB:jbe
MMB0000000097V001